

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 7-12) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention provides a topical anaesthetic or desensitization gel, which may be used on mucous membranes, such as in the mouth, and can be beneficially applied in the field of dentistry, as well as having a wide-range of other applications. To date, the prior art has failed to provide a gel base for an anaesthetic gel that could adhere in the mouth, which is sufficiently palatable to be of value for dentistry and related medical procedures.

The present invention, as now broadly claimed, overcomes the disadvantages of the prior art by providing an oral anaesthetic gel that includes a transdermal gel base with an anaesthetic therein, to which a flavoring is added. A bitter suppressant agent is included with the flavoring component. The inclusion of the bitter suppressant agent, as now positively claimed, readily permits the anaesthetic gel of the present invention to be used for oral mucous membranes.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and effective oral anaesthetic gel, which includes a flavoring having a bitter suppressant, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 7 to positively recite that the claimed oral anaesthetic gel has a --bitter suppressant agent--, so that this feature of Applicant's invention may properly be accorded patentable weight.

Applicant has also amended dependent Claims 8, 10 and 11 to change the term "PLURONIC," which the Examiner has explained has trade name/trademark significance, to the generic terminology --polyoxyethylene/polyoxypropylene copolymers-- gel. As part of the second Office Action, the Examiner had rejected Claims 8, 10 and 11 as being indefinite, pursuant to 35 U.S.C. §112, second paragraph, on the ground that a trade name or trademark cannot definitively limit a claim.

In light of the amendment entered for dependent Claims 8, 10 and 11, withdrawal of the Examiner's 35 U.S.C. §112, second paragraph, rejection is respectfully requested.

Turning now, in detail, to an analysis of the Examiner's prior art rejection, in the second Office Action the Examiner has rejected independent Claim 7 (and several dependent claims) as being anticipated, pursuant to 35 U.S.C. §102(b), by Williams *et al.*, U.S. Patent Application Publication No. 2002/0192288. It is the Examiner's contention that the applied citation teaches a composition comprising Poloxamer 407, a species of Pluronic gel, and lidocaine, as well as flavoring agents, preservatives and anti-oxidants. The Examiner has therefore concluded that Williams *et al.* anticipates that claimed by the instant Applicant.

In reply to the Examiner's anticipation rejection applying Williams *et al.*, Appli-

cant's invention, as now broadly claimed, positively recites a "bitter suppressant agent," which is to be included with the flavoring component of the claimed oral anaesthetic gel. A careful analysis of Williams *et al.*, it is respectfully submitted, fails to disclose or suggest the inclusion of a bitter suppressant agent.

Consequently, it is respectfully contended that Williams *et al.*, which neither discloses nor suggests the inclusion of a bitter suppressant agent, does not anticipate, nor render obvious, the present invention, as now broadly claimed. Applicant therefore requests that the Examiner's 35 U.S.C. §102(b) anticipation rejection be withdrawn.

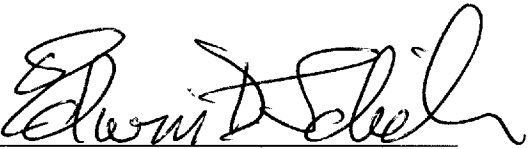
Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant's claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 7-12) recite a novel and effective oral anaesthetic gel, which includes a flavoring having a bitter suppressant, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding

rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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November 24, 2008

Enc.: 1. Petition for One-Month Extension of Time for Response; and,
2. EFT for \$65.00 (One-Month Extension Fee).

The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.